IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 18025 of 2007(U)

OS.365/2003 of MUNSIFF COURT, PUNALUR

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PETITIONER:

GAURI, AGED 72 YEARS,
D/O.PADMANAPHANACHARI, THADATHIL VILAKATHU
PUTHEN VEEDU, URUKUNNU MURI, THENMALA VILLAGE.

BY ADV. SRI.S.SREEKUMAR
SRI.P.MARTIN JOSE

RESPONDENTS:

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1. GANGADHARAN, AGED 68 YEARS,
S/O.PADMANAPHANACHARI, CHARUVILA PUTHEN VEEDU,
URUKUNNU KARA, THENMALA VILLAGE.

2. KOCHUKALYANI, AGED 70 YEARS,
D/O.PADMANAPHANACHARI, VILAYIL KIZHAKKATHIL,
CHERUMANGAD, PUTHOOR VILLAGE, KUNNATHOOR TALUK.

3. JANARDHANAN, AGED 66 YEARS,
S/O.PADMANAPHANACHARI, T.C.39/983,
SAROJ BHAVAN, POOJAPPURA, THIRUVANANTHAPURAM.

4. BHASKARAN, AGED 64, YEARS,
S/O PADMANAPHANACHARI, PUSHPA VILASAM,
URUKUNNU KARA, THENMALA VILLAGE.

5. SUDHAKARAN, AGED 60 YEARS,
S/O.PADMANAPHANACHARI, KAILAS,
URUKUNNU KARA, THENMALA VILLAGE.

BY ADV. SRI.B.KRISHNA MANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF PLAINT IN O.S. NO: 365/03 BEFORE THE MUNSIFF'S COURT, PUNALUR

EXT.P2: -DO- OF WRITTEN STATEMENT FILED BY THE RESPONDENTS IN O.S. NO: 365/03

EXT.P3: -DO- OF COMMISSION REPORT DT.28.10.2003

EXT.P4: -DO- OF PETITION IN I.A. NO: 179/05 IN O.S.365/03

EXT.P5: -DO- OF OBJECTION TO THE EXT.P4 PETITION

EXT.P6: -DO- OF ORDER DT.29.5.06

EXT.P7: -DO- OF JUDGMENT IN W.P(C) 23717/06 DT.20.10.06

EXT.P8: -DO- OF ORDER IN EXT.P4 PETITION DT.3.4.07

jj /TRUE COPY/

P.A. TO JUDGE

M.N.KRISHNAN, J.

WP(C)No. 18025 OF 2007 U

Dated this the 20th July, 2007.

JUDGMENT

This writ petition is filed against the order of the learned Munsiff, Punalur in I.A.179/05 in O.S.365/03. It was an application filed for the issuance of a commission with the help of a surveyor and the court below did not entertain that application. The learned Munsiff has not considered the petition in the proper perspective and has passed a very brief order. The order can be brief but not blank. Ext.P7 is a judgment of this Court rendered in W.P(C) 23717/06. There was a specific direction by this Court to consider the objections raised by the petitioner in Ext.P5 and pass appropriate orders in accordance with law. So, what is necessary is the consideration of the materials. Now the order does not speak about the same. Therefore, there is no other alternative but to set aside the order of the court below and direct the court to consider the petition as well as the objections filed to the petition and pass a considered order in accordance with law. I am not making any reference to the facts of the case because I do not want the Munsiff to be influenced by any observations in the order. The learned Munsiff shall try to dispose of the petition as expeditiously as

possible, within a time frame of six weeks from the date of receipt of the order of the court and the parties are directed to appear before the court on 31.7.2007. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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